

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

\* \* \* \* \*

THE CITY OF HUNTINGTON,

Plaintiff,

vs.

CIVIL ACTION  
NO. 3:17-01362

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
Defendants.

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CABELL COUNTY COMMISSION,  
Plaintiff,

vs.

CIVIL ACTION  
NO. 3:17-01665

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,  
  
Defendants.

\* \* \* \* \*

Videotaped and videoconference deposition of  
DANIEL CICCARONE taken by the Defendants under the  
Federal Rules of Civil Procedure in the above-entitled  
action, pursuant to notice, before Teresa S. Evans, a  
Registered Merit Reporter, all located remotely, on the  
8th day of September, 2020.

1 to point you to. It's in the first full paragraph on  
2 that page.

3 A. Take your time.

4 Q. Yes. And it's a -- there's a second sentence  
5 of that first full paragraph on 73. It says, "Wave one  
6 is often considered to have been driven by increased  
7 supply, i.e., a tripling of opioid prescriptions."

8 Do you see that?

9 A. I do.

10 Q. So again here where you're referring to the  
11 increased supply, you're talking about a tremendous  
12 increase in the volume of prescriptions by the medical  
13 community, correct?

14 A. I'm discussing an increase in volume of  
15 prescriptions, yes.

16 Q. Yeah. And so those are prescriptions -- or  
17 decisions made by doctors to issue prescriptions that  
18 led to the increase in supply, right?

19 MR. MORIARTY: Object to form.

20 A. It's citing Kolodny and Courtright and others.  
21 American View of Public Health, 2015. I'm taking it  
22 from what they've concluded, which is that wave one was  
23 driven by increases in opioid prescribing practices.

24 Q. And to --

1 A. I'm sorry, volume of opioid prescriptions.

2 Q. Right. And so those are the volume of  
3 prescriptions written by doctors, correct?

4 A. I would imagine so. I didn't look exactly  
5 what database they're using, but I'm assuming it's  
6 legitimate prescribing within the medical business.

7 Q. And so -- and so that total volume of  
8 prescriptions would amalgamate to the supply that  
9 you're talking about that caused wave one.

10 A. Yes.

11 Q. And do you also -- I take it you agree with  
12 this proposition that what the distributors shipped to  
13 pharmacies reflected what the doctors were prescribing?

14 A. Yes.

15 Q. And that without the prescriptions written by  
16 the doctors, the tripling has no effect. In other  
17 words, the supply doesn't expand unless the doctors are  
18 writing the prescriptions?

19 MR. MORIARTY: Object to form.

20 A. I'm sorry, every time he says "Object to  
21 form," I get a little confused. Can you just restate  
22 that? Sorry.

23 Q. Yeah, sure. The supply doesn't expand into  
24 the community unless the doctors write the

1 prescriptions?

2 A. For this particular drug, yes. We're talking  
3 about a prescription drug that's driven by doctors  
4 writing prescriptions. Of course, those doctors are  
5 influenced by industry, but -- yes, prescriptions by  
6 the medical profession.

7 Q. And the doctors are influenced by a number of  
8 factors when they decide what to write as  
9 prescriptions, correct?

10 MR. MORIARTY: Object to form.

11 A. I'm not a -- I'm not a full expert in this,  
12 but I will agree with you, in general, that doctors are  
13 influenced by a number of factors in their prescribing  
14 practices.

15 Q. And that would include their own clinical  
16 experiences with their patients, correct?

17 A. That would include clinical experiences with  
18 their patients.

19 Q. And it would include their medical training?

20 A. It would include their medical training.

21 Q. And when you refer to "influence by industry,"  
22 what are you referring to there? Are you referring to  
23 manufacturers providing information about the  
24 attributes of their drugs?

1 correct?

2 A. We have not. But I can tell you very clearly,  
3 though, that from what I've looked at in terms of  
4 industrial accidents in West Virginia, that even if  
5 there is a relationship to that and opioid pill use,  
6 there's nothing that went up four to six to ten-fold in  
7 the last 20 years that would explain the rise in  
8 opioid-related overdose.

9 There's no force here that -- that trumps  
10 supply.

11 Q. Do you have any evidence that any distributors  
12 shipped more pills than what doctors prescribed?

13 A. Shipped more pills than doctors prescribed? I  
14 don't know how to answer that question. Is there a  
15 more general way to put it? Or do you really want to  
16 know the relationship between --

17 Q. I'm just asking you -- it's a pretty narrow  
18 question, really, which is: Do you have any evidence  
19 -- do you have anything in your head - have you looked  
20 at an analysis - that distributors shipped more pills  
21 than what the doctors prescribed?

22 A. I'm not -- I'm not aware of any data there.

23 Q. And do you have any evidence that any pills  
24 left pharmacies without a prescription written by a

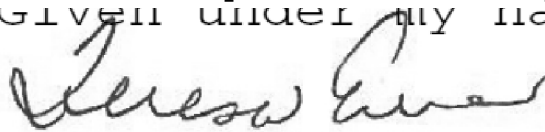
1 STATE OF WEST VIRGINIA,  
2 COUNTY OF JACKSON, to wit;  
3

4 I, Teresa S. Evans, a Notary Public within and  
5 for the County and State aforesaid, duly commissioned  
6 and qualified, do hereby certify that the foregoing  
7 deposition of DANIEL CICCARONE was duly taken by me and  
8 before me at the time and place and for the purpose  
9 specified in the caption hereof, the said witness  
10 having been by me first duly sworn, witness identity  
11 having been verified by driver's license.

12 I do further certify that the said deposition  
13 was correctly taken by me in shorthand notes, and that  
14 the same were accurately written out in full and  
15 reduced to typewriting and that the witness did request  
16 to read his transcript.

17 I further certify that I am neither attorney  
18 or counsel for, nor related to or employed by, any of  
19 the parties to the action in which this deposition is  
20 taken, and further that I am not a relative or employee  
21 of any attorney or counsel employed by the parties or  
22 financially interested in the action and that the  
23 attached transcript meets the requirements set forth  
24 within article twenty-seven, chapter forty-seven of the  
West Virginia Code.

My commission expires October 25, 2020. Given  
Given under my hand September, 2020.



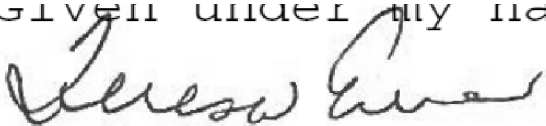
19 Teresa S. Evans  
20 RMR, CRR, RPR, WV-CCR  
21  
22  
23  
24

1 STATE OF WEST VIRGINIA

2 COUNTY OF KANAWHA, to wit;

3 I, Teresa Evans, owner of Realtime Reporters, LLC,  
4 do hereby certify that the attached deposition  
5 transcript of DANIEL CICCARONE meets the requirements  
6 set forth within article twenty-seven, chapter forty-  
7 seven of the West Virginia Code to the best of my  
8 ability.

9  
10 Given under my hand this 11th day of September,  
11 2020.

12  
13 GIVEN UNDER MY HAND  
14   
15  
16

17 Registered Professional  
18 Reporter/Certified Realtime Reporter  
19  
20  
21  
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23  
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